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PATENT
P53821C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2001 OCT 2 55
US PATENT & TRADEMARK
OFFICE

#45

In re Application of:

Richard G. Hyatt Jr.

Serial No.: 08/720,070

Examiner: BOUCHER, D.

Filed: 27 September 1996
(CPA filed on 8 July 1999)

Art Unit: 3627

For: ELECTROMECHANICAL CYLINDER PLUG

REQUEST FOR REFUND

Assistant Commissioner for Patents
Box #17, Refund Unit
Attn: Finance Branch-Refunds
Washington, D.C. 20231

Attorney's Docket: P53821C

Dear Sir or Madam:

Applicant's undersigned Attorney notes that \$232.00 has been inadvertently overpaid for extra claim fees by his checks and \$1,202.00 has been erroneously charged to his Deposit Account No. 02-4943 for extra claim fees on the above-referenced application; total amount of \$1,434.00 has been mistakenly

overpaid for extra claim fees as follows:

024943 00000000 08/720070
\$232.00 CR
\$1202.00 CR

1. On 27 September 1996, Applicant filed the above-referenced **small entity** application with 5 total claims and 1 independent claim. No extra claim fee was incurred for filing this application;

2. On 7 January 1998, Applicant filed a Supplemental Amendment with 10 total claims and 2 independent claims. No extra claim fee was incurred for filing this Supplemental

Amendment;

3. On 14 January 1998, Applicant filed a Supplemental Amendment with 11 total claims and 3 independent claims. No extra claim fee was incurred for filing this Supplemental Amendment;
4. On 5 August 1998, Applicant filed an Amendment responsive to Paper No. 10, dated 5 February 1998, with 11 total claims and 3 independent claims. No extra claim fee was incurred for filing this Amendment;
5. On 17 September 1998, Applicant filed a Supplemental Amendment with 12 total claims and 3 independent claims. No extra claim fee was incurred for filing this Supplemental Amendment;
6. On 13 October 1998, Applicant filed a Supplemental Amendment with 13 total claims and 3 independent claims. No extra claim fee was incurred for filing this Supplemental Amendment;
7. On 23 October 1998, Applicant filed a Third Supplemental Amendment with 24 total claims and 4 independent claims. 4 claims in total and 1 independent claim were added. \$85.00 for extra claim fees (\$44.00 for 4 extra claims and \$41.00 for 1 extra independent claim) was paid by a check (#26068) which accompanied the Third Supplemental Amendment. Extra claim fees were paid in full at this point;
8. On 20 January 1999, Applicant filed a Supplemental Amendment with 33 total claims and 5 independent claims. 9 claims in total and 1 independent claim were added. \$120.00 for extra claim fees (\$81.00 for 9 extra claims and \$39.00 for 1 extra independent claim) was paid by a check (#32082) which accompanied this Supplemental Amendment. Extra

claim fees were paid in full at this point;

9. On 8 July 1999, Applicant filed a CPA with 33 total claims and 5 independent claims. There were 13 claims in excess of 20 and 2 independent claims in excess of 3. \$195.00 for extra claim fees (\$117.00 for 13 extra claims and \$78.00 for 2 extra independent claims) and \$380.00 for CPA filing fee, total \$575.00 was paid by a check (#33224) which accompanied a CPA Request Form. Extra claim fees were paid in full at this point;
10. On 16 July 1999, Applicant filed a supplemental Amendment with 38 total claims and 5 independent claims. 5 claims in total were added. \$45.00 for an extra claim fee (\$45.00 for 5 extra independent claims) was paid by a check (#33282) which accompanied this Amendment. Extra claim fee was paid in full at this point;
11. On 5 August 1999, Applicant filed a supplemental Amendment with 59 total claims and 8 independent claims. 21 claims in total and 3 independent claims were added. \$306.00 for extra claim fees (\$189.00 for 21 extra claims and \$117.00 for 3 extra independent claims) was paid by a check (#33413) which accompanied this Amendment. Extra claim fees were paid in full at this point;
12. On 17 August 1999, Applicant filed a Second Supplemental Amendment with 63 total claims and 11 independent claims. 4 claims in total and 3 independent claims were added. \$153.00 for extra claim fees (\$36.00 for 4 extra claims and \$117.00 for 3 extra independent claims) was paid by a check (#33509) which accompanied the Second Supplemental Amendment. Extra claim fees were paid in full at this point;
13. On 6 October 1999, Applicant filed a supplemental Amendment with 77 total claims and 14 independent claims. 14 claims in total and 3 independent claims were added. Extra claim fees should be total \$ 243.00 (\$126.00 for 14 extra claims and \$117.00 for 3 extra

claims) however, \$399.00 for extra claim fees (\$126.00 for 14 extra claims and \$273.00 for 7 extra independent claims) was paid by a check (#33823) which accompanied this Amendment. \$156.00 was overpaid at this point;

14. On 17 November 1999, Applicant filed a Supplemental Amendment with 80 total claims and 14 independent claims. 3 claims in total were added. \$27.00 for an extra claim fee (\$27.00 for 3 extra claims) was paid by a check (#34085) which accompanied this Supplemental Amendment. Extra claim fee was paid in full at this point;
15. On 30 November 1999, Applicant filed a Substitute Amendment with 84 total claims and 17 independent claims. 4 claims in total and 3 independent claims were added. \$153.00 for extra claim fees (\$36.00 for 4 extra claims and \$117.00 for 3 extra independent claims) was paid by a check (#34173) which accompanied the Substitute Amendment. This Substitute Amendment would later result in being "Not Entered" and so notified by the Examiner in Paper No. 31, dated 15 February 2001 therefore, no extra claim fee should be incurred by this Substitute Amendment. \$153.00 was overpaid at this point;
16. On 18 February 2001, Applicant's undersigned Attorney received Paper No. 31, dated 15 February 2001. On page 2, paragraph 1, the Examiner states that "Applicant's amendment filed November 30, 1999 has not been entered...." Thus, no fee had been incurred since 17 November 1999.
17. On 16 March 2000, Applicant filed an Amendment responsive to Paper No. 31, dated 15 February 2000 on the above-referenced application with 86 total claims and 17 independent claims. 6 claims in total and 3 independent claims were added. Extra claim fee should be total \$171.00 (\$54.00 for 6 extra claims and \$117.00 for 3 extra claims) however, \$210.00 for extra claim fees (\$54.00 for 6 extra claims and \$156.00 for 4 extra independent claims) was paid by a check (#36235) which accompanied this Amendment.

\$39.00 was overpaid at this point;

18. On 24 April 2000, Applicant filed a Supplemental Amendment with 101 total claims and 21 independent claims. 15 claims in total and 4 independent claims were added. \$291.00 for extra claim fees (\$135.00 for 15 extra claims and \$156.00 for 4 extra independent claims) was paid by a check (#36436) which accompanied this Supplemental Amendment. Extra claim fees were paid in full at this point;

19. On 13 April 2001, Applicant filed an Amendment responsive to Paper No. 39, dated 13 November 2000 on the above-referenced application with 116 total claims and 23 independent claims. 15 claims in total and 2 independent claims were added. Extra claim fees should be total \$215.00 (\$135.00 for 6 extra claims and \$80.00 for 2 extra claims) however, \$99.00 for an extra claim fee (\$99.00 for 11 extra claims) and \$195.00 for a two month extension of time fee, total \$294.00 was paid by a check (#39446) which accompanied this Amendment. \$116.00 was underpaid at this point;

20. On 20 July 2001, Applicant filed a Supplemental Amendment with 116 total claims and 23 independent claims. No claims and independent claims were added and therefore, no extra claim fee was incurred for filing this Supplemental Amendment. **\$232.00 has been overpaid by checks for extra claim fees thus far;** and

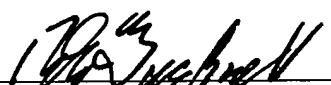
21. On 20 April 2001, Applicant's undersigned Attorney's Deposit Account No. 02-4943 was improperly charged in the amount of \$522.00, under the fee code of 203 for claims in excess of 20 (small entity) and \$680.00, under the fee code of 202 for independent claims in excess of \$3 (small entity) for the above-referenced application. Please note that extra claim fees have been overpaid by Applicant's undersigned Attorney's checks but not underpaid in any amount by today as stated above. **\$1,202.00 has been erroneously charged to Deposit Account No. 02-4943 for extra claim fees.**

Therefore, total amount of \$1,434.00 has been mistakenly overpaid for extra claim fees on the above-referenced application.

Accordingly, **please credit the amount of \$1,434.00 to Deposit Account No. 02-4943** for such overpayment.

Please refer the attached documents for the above-referenced patent application.

Respectfully submitted,


Robert E. Bushnell
Attorney for Applicant
Reg. No.: 27,774

1522 K Street, N.W. Suite 300
Washington, D.C. 20005-1202
(202) 408-9040

Folio: P53821C
Date: 10/4/01
ID: REB/sys

Enclosures:

- 1) copies of New Application Cover Sheet and Specification, Abstract and Claims filed on 27 September 1996 and Postcard Receipt dated 27 September 1996;
- 2) copies of Supplemental Amendment filed on 7 January 1998 and Postcard Receipt dated 7 January 1998;
- 3) copies of Supplemental Amendment filed on 14 January 1998 and Postcard Receipt dated 14 January 1998;
- 4) copies of Amendment filed on 5 August 1998 and Postcard Receipt dated 5 August 1998;
- 5) copies of Supplemental Amendment filed on 17 September 1998 and Postcard Receipt dated 17 September 1998;
- 6) copies of Supplemental Amendment filed on 13 October 1998 and Postcard Receipt dated 13 October 1998;
- 7) copies of 3rd Supplemental Amendment, Fee Transmittal (PTO/SB/17) and Check #26068 (\$85.00) filed on 23 October 1998 and Postcard Receipt dated 23 October 1998;
- 8) copies of Supplemental Amendment filed on 20 January 1999, Fee Transmittal (PTO/SB/17) and Check #32082 (\$120.00) and Postcard Receipt dated 20 January 1999;
- 9) copies of CPA Request Transmittal (PTO/SB/29), Fee Transmittal (PTO/SB/17) and Check #33224 (\$575.00) filed on 8 July 1999 and Postcard Receipt dated 8 July 1999;
- 10) copies of Amendment, Fee Transmittal (PTO/SB/17) and Check #33282 (\$45.00) filed on 16 July 1999 and Postcard Receipt dated 16 July 1999;
- 11) copies of Amendment, Fee Transmittal (PTO/SB/17) and Check #33413 (\$306.00) filed on 5 August 1999 and Postcard Receipt dated 5 August 1999;
- 12) copies of Second Supplemental Amendment, Fee Transmittal (PTO/SB/17) and Check #33509 (\$153.00) filed on 17 August 1999 and Postcard Receipt dated 17 August 1999;
- 13) copies of Amendment, Fee Transmittal (PTO/SB/17) and Check #33823 (\$399.00) filed on 6 October 1999 and Postcard Receipt dated 6 October 1999;
- 14) copies of Supplemental Amendment, Fee Transmittal (PTO/SB/17) and Check #34085 (\$27.00) filed on 17 November 1999 and Postcard Receipt dated 17 November 1999;
- 15) copies of Substitute Amendment, Fee Transmittal (PTO/SB/17) and Check #34173 (\$153.00) filed on 30 November 1999 and Postcard Receipt dated 30 November 1999;
- 16) copy of Paper No. 31, dated 15 February 2000;
- 17) copies of Amendment, Fee Transmittal (PTO/SB/17) and Check #36235 (\$210.00) filed on 16 March 2000 and Postcard Receipt dated 16 March 2000;
- 18) copies of Supplemental Amendment, Fee Transmittal (PTO/SB/17) and Check #36436 (\$291.00) filed on 24 April 2000 and Postcard Receipt dated 24 April 2000;
- 19) copies of Amendment, Petition For Extension Of Time, Fee Transmittal (PTO/SB/17) and Check #39446 (\$294.00) filed on 13 April 2001 and Postcard Receipt dated 13 April 2001;
- 20) copies of Supplemental Amendment filed on 20 July 2000 and Postcard Receipt dated 20 July 2001; and
- 21) Monthly Statement Of Deposit Account dated 30 April 2001.



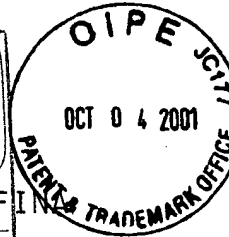
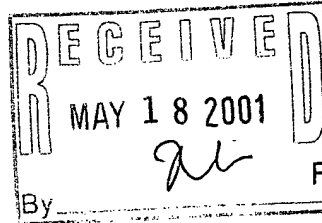
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Patent and Trademark Office

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MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

ROBERT E BUSHNELL ESQ
ROBERT E. BUSHNELL
1522 "K" STREET, N.W.
SUITE 300
WASHINGTON DC 20005



Account No.	024943
Date	4-30-01
Page	1

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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4	25	01	112	402125		567	30.00	13510.41
4	30	01	1	09196765	P55443	126	180.00	13330.41
4	30	01	2	09220597	P55414	115	110.00	13220.41
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					15642.41	3956.00	1534.00	13220.41

COPY

Fee History Query Revenue Accounting and Management

Name/Number: 08720070

Total Records Found: 34

Start Date: Any Date

End Date: Any Date

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12/23/1997	00000012	<u>1</u>	<u>216</u>	\$200.00	12/17/1997	OP
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